

REMARKS

Informalities and Submission of Formal Drawings

By the above Amendment, applicants have amended the specification to correct informalities noted by the examiner. Specifically the reference numeral "120" has been changed to --122-- at page 15 line 4, and the word --be-- was added after "may" at page 25 line 4; in addition, an inadvertent and obvious error in terminology was corrected (changing "cylindrical locks" to --lock cylinders--) at page 25 line 2. With respect to the examiner's objection concerning the word "sex" at page 15 line 2 of the specification, applicants submit that the bolts referred to as "internally threaded sex bolts" is a commonly used name for such bolts which include an internally threaded longitudinal bore, also commonly referred to as a "female" bolt. Submitted herewith is a copy of the replacement specification paragraphs marked up to show the changes in accordance with 37 CFR §1.121(b).

Submitted herewith are formal drawings in substitution of the informal drawings originally filed in this application. FIG. 12 of the enclosed formal drawings includes the reference numeral "158" referred to at page 19 line 18, obviating the examiner's objection to the reference numeral 158 not being shown in the drawings. With respect to the other objections to the drawings as originally filed, applicants point out that the reference numeral 112 (page 14 line 10) is shown in FIG. 1 of both the informal and formal drawings, and that the reference numeral 70 (page 15 line 10) is shown in FIG. 9 of both the informal and formal drawings.

Applicants appreciate the examiner's calling applicants' attention to these informalities that have been corrected by the above Amendment and the enclosed formal drawings, and applicants respectfully request withdrawal of the examiner's objections to the specification and the drawings.

In view of the examiner's statement that the crossed-out reference on the Form PTO-1449 submitted with applicants' Information Disclosure Statement has not been considered since a copy thereof was not received, applicants submit herewith a duplicate copy of that reference and request that such reference be reviewed by the examiner. A copy of page 2 of applicants' Form PTO-1449 is also enclosed (the subject reference being the first listed on that page), and applicants respectfully request the examiner to review the reference and indicate such review by appropriately initialing the enclosed form and returning a copy thereof to applicants' attorney of record.

Claim Amendments and Additions

Claims 1, 8, 17, 19, 23, 29, 30, 31, 33, 36 and 37 have been amended by the above Amendment, and new Claims 39 through 43 have been added. Claims 22 and 34 have been cancelled as redundant in view of the amendments to their base claims. Submitted herewith is a copy of the amended claims marked up to show the changes in accordance with 37 CFR §1.121(c).

The enclosed check includes the amount of \$27.00 to cover the fee for the claims added by this Amendment, calculated as noted on the attached Fee Determination Record. If the enclosed fee is deficient in any manner, please charge any such deficiency to Deposit Account No. 23-0822.

No new matter has been added by the above Amendment. Claims 1-21, 23-33 and 35-43 are pending in this application.

By the Office Action dated June 26, 2002, the examiner has rejected Claims 1-8 and 13-38. Applicants traverse these rejections and request reconsideration of the rejected claims, applicants respectfully submitting that Claims 1-8 and 13-38 as amended above, and added Claims 39-43, are patentable over the references cited by the examiner, for the reasons discussed below.

Applicants note that the examiner has indicated Claims 9-12 to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants request such rewriting in independent form be held in abeyance, since it is applicants' position that the rejected base Claim 1 as amended is patentable over the references of record.

Claim Rejections – 35 U.S.C. §112

Claims 8, 18 and 30 have been rejected under 35 U.S.C. §112, second paragraph, the examiner noting deficiencies in antecedent bases. Applicants have amended Claim 8 as suggested by the examiner, and Claim 30 has been amended to depend from Claim 29.

However, with respect to the term "bored lock cylinder" in Claims 18 and 30, such term is correctly used; see the attached Sargent Manufacturing Company Catalog page 2, "Cylinders & Components, Bored Lock and Mail Box Cylinders" (copy also submitted in applicants' Information Disclosure Statement, third item on sheet 2 of Form PTO-1449). To correct the antecedent bases defects, applicants have amended Claims 17 and 29 (from which Claims 18 and 30 depend, respectively) by changing the "bored cylinder lock" recited therein to --bored lock

cylinder--. At the same time, Claims 17 and 29 have been further amended to clarify that "said lock" is in the recited handle.

Applicants submit that Claims 8, 18 and 30, as amended, comply with the requirements of 35 U.S.C. §112, second paragraph, and respectfully request that these §112 rejections be withdrawn.

Claim Rejections – 35 U.S.C. §102

Amended Claims 1-3, 5 and 19-23

Claims 1-3, 5 and 19-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by F.E. Best et al. (U.S. Patent No. 1,811,110).

Applicants have amended Claim 1 to recite that the cylindrical lock assembly's *lock body* is secured to the trim plate (amended Claim 1 lines 3-4). Amended Claim 1 further recites that the cylinder lock is "secured to said trim plate" (amended Claim 1 line 9). Accordingly, in amended Claim 1, both the cylindrical lock assembly's *lock body* and the *cylinder lock* are secured to the *same trim plate* which itself is securable to the outside of a door.

The lock body 15 of the cylindrical lock of F.E. Best et al. is situated between trim plates secured to opposite sides of the door but is not secured to either one of these trim plates. More particularly, the F.E. Best et al. lock body 15 and the cylinder lock 16 are not secured to the same trim plate, in contrast to the claimed structure of applicants' amended Claim 1.

It may be appreciated that securing the cylindrical lock assembly's lock body and the cylinder lock to the same trim plate (or pull plate, see dependent Claim 4) significantly increases the structural integrity of the door lock apparatus. In addition, and of comparable practical importance, the claimed secured-together combination facilitates installation and removal of the door lock apparatus. The lock body secured to the outside pull plate inwardly thereof with the cylinder lock secured to that outside pull plate, comprise an integral structure or unit facilitating installation onto a door (see applicants' specification at page 14 lines 17-19) and facilitating secured removal from the door (see specification at page 20 lines 5-7).

This feature of applicants' claimed invention not being shown in F.E. Best et al., applicants respectfully submit that amended Claim 1, as well as Claims 2, 3 and 5 depending therefrom and including all of the limitations thereof, are not anticipated by F.E. Best et al. under 35 U.S.C. §102(b). "For a prior art reference to anticipate in terms of 35 U.S.C. §102, every

element of the claimed invention must be identically shown in a single reference.” *In re Bond*, 15 USPQ2d 1566, 1567 (Fed.Cir. 1990), citing *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (Fed.Cir. 1988).

Applicants’ independent Claim 19 has been amended to recite a door trim, that the cylinder lock is secured to the door trim with its cylinder rotatably actuatable from one side of the door trim, and that the cylindrical lock assembly’s lock body is secured to that door trim with the handle rotatable from the opposite side of the door trim. In amended independent Claim 19, both the cylindrical lock assembly’s lock body and the cylinder lock are secured to the same door trim, structure not shown in F.E. Best et al. as discussed above. Accordingly, applicants respectfully submit that independent amended Claim 19, as well as Claims 20-23 depending from amended Claim 19 and including all of the limitations thereof, are not anticipated by F.E. Best et al. under 35 U.S.C. §102(b).

Claim Rejections – 35 U.S.C. §103

Claims 4-6, 23 and 24

Claims 4, 5 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over F.E. Best et al. in view of Roy (3,698,217); and Claims 6 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over F.E. Best et al. in view of the Photograph of door pull manufactured by Triangle Brass Manufacturing (applicants’ assignee herein).

As discussed above in these Remarks, applicants have shown that amended Claims 1 and 19 are not anticipated by F.E. Best et al. under §102(b), and applicants submit that amended Claims 1 and 19 are patentable over F.E. Best et al. under §103(a). There is no teaching, suggestion or incentive in F.E. Best et al. that would lead one of ordinary skill in the art to secure the cylindrical lock assembly’s lock body and a cylinder lock to the same trim plate securable to the outside (Claim 1) or to a face (Claim 19) of the door. Consequently, applicants’ amended Claims 1 and 19 are not obvious in view of the disclosure of F.E. Best et al. and are patentable thereover under 35 U.S.C. §103. See, for example, *In re Fine*, 5 USPQ2d 1596, 1599 (Fed.Cir. 1988); *W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed.Cir 1983).

Claims 4, 5, 6, 23 and 24, ultimately depend from and contain all of the limitations of amended Claim 1 or amended Claim 19 shown above to be patentable over the primary reference F.E. Best et al. under §§102(b) and 103(d). Further, there is no teaching, suggestion or incentive

in F.E. Best et al., or in Roy, or in the Triangle Brass door pull Photograph that would lead one of ordinary skill in the art to secure a cylindrical lock assembly's lock body in addition to the cylinder lock to the pull plate of either Roy or Triangle Brass. Accordingly, applicants submit that Claims 4, 5 and 23 are each patentable over F.E. Best et al. in view of Roy, and that Claims 6 and 24 are each patentable over F.E. Best et al. in view of the Triangle Brass door pull Photograph.

Claims 7, 8, 31, 32 and added Claims 39-40

Claims 7, 8, 31 and 32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over F.E. Best et al in view of Shen (5,970,760) or Berger et al. (5,457,975).

Neither of the disclosures of Shen or Berger et al. make up for the deficiencies of F.E. Best et al. discussed above; specifically, neither of these combinations of references suggest a trim plate (securable to the outside or to a face of the door) to which is secured both a cylindrical lock assembly's *lock body* and a *cylinder lock* as recited in applicants' Claims 1 and 19. Accordingly, applicants submit that Claims 7, 8, 31 and 32, as well as added dependent Claims 39 and 40, being ultimately dependent from base Claims 1 or 19, are patentable over F.E. Best et al. in view of Shen or Berger et al. under 35 U.S.C. §103.

Applicants further submit that added Claim 39 includes further grounds of patentability independent of its amended base Claim 1. Specifically, the recited attachment plate securing the cylindrical lock assembly's lock body to the trim plate is not shown in F.E. Best et al. The element 40 of F.E. Best et al., identified by the examiner as an "attachment plate", does not secure the cylindrical lock assembly's lock body to the door trim plate 41. Nor is there anything in either Shen or Berger et al. suggesting such structure, either alone or when combined F.E. Best et al. Added Claim 40 is dependent from dependent Claim 39.

Claims 13, 14, 25, 26, 33 and added Claims 41-43

Claims 13, 14, 25, 26 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over F.E. Best et al. in view of Storlie et al. (4,095,445).

Claims 13, 14, 25 and 26, being dependent from and containing all of the limitations of amended Claim 1 or amended Claim 19 shown above to be patentable over the primary reference F.E. Best et al. under §§102(b) and 103(a), are accordingly patentable over F.E. Best et al. in view of Storlie et al. Contrary to the examiner's reading of Storlie et al., it does not appear that

Storlie et al. discloses a locking handle which may be locked in a bolt-unlatched position. Storlie indicates that the door is locked when rotation of the locking handle is prevented (see column 3 lines 17-18: "To prevent rotation of locking handle 10 and thereby lock the door"). It appears that each of the two positions of the handle discussed in Storlie at column 3 lines 8-33 comprise door-unlatched positions; i.e., there is no locked position of the handle in which the door lock is unlatched. Storlie teaches a locking handle specifically adapted for the doors of vehicles (see Storlie at column 1 lines 5-7), in which a door-unlatched position of the locked handle would be undesired as catastrophically unsafe.

Accordingly, Storlie et al. is inapposite to applicants' Claims 13 and 25 that provide a holdback apparatus in the cylindrical lock assembly including a handle lock for *locking* the cylindrical lock spindle when the spindle is in a *rotated position unlatching* the latchbolt. Claims 14 and 26, which are dependent from Claims 13 and 25 respectively, recite that the handle is a lever handle in a rotated position when the spindle is locked with the latchbolt unlatched. This feature of applicants' invention recited in Claims 14 and 26 has the advantage of permitting the lever handle to act as a visual indicator that the holdback feature is engaged, an indication which is of importance in public applications and of particular importance in school applications. Added Claims 41 and 42 are dependent from Claims 13 and 25, respectively, and recite that the handle lock is key actuatable for locking and unlocking the spindle when the spindle is in a rotated position unlatching the latchbolt. This key actuation feature permits secured control of the hold back feature for the cylindrical lock, so that the hold back feature in public applications may be implemented or defeated only by authorized personnel.

Amended independent Claim 33, directed to a cylindrical lock apparatus for a door, recites a lever handle for rotating the spindle to unlatch the latchbolt upon rotation of the lever handle to an angular disposition, as well as the handle lock for locking the lever handle in such angular disposition, the angular disposition of the lever handle being recited as a visual indicator that the latchbolt is unlatched. Added Claim 43, depending from amended Claim 33, recites that the handle lock is key actuatable for locking the lever handle in its angular disposition when the latchbolt is unlatched. A cylindrical lock in which the angular disposition of the locked lever handle acts as a visual indicator that the latchbolt is unlatched is neither shown nor suggested in either Storlie et al. or F.E. Best et al., considered singly or in combination. The key actuatable

feature recited in added Claim 43 provides secured control of the visible indicator hold back feature for the cylindrical lock of Claim 33, an important advantage for cylindrical locks installed in public places as previously discussed.

Claims 15-18 and 27-30

Claims 15-18 and 27-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over F.E. Best et al. in view of Foshee (4,424,691) and Storlie et al.

Claims 15-18 and 27-30, being dependent from and containing all of the limitations of amended Claim 1 or amended Claim 19 shown above to be patentable over the primary reference F.E. Best et al., are accordingly patentable over F.E. Best et al. in view of Foshee and Storlie et al. Moreover, applicants submit that Claim 15 (as well as Claims 16-18 depending therefrom) and Claim 27 (as well as Claims 28-30 depending therefrom) each include further grounds of patentability independently of their respective amended base Claims 1 and 19. Specifically, Claims 15 and 27 require that the chassis plate notch and the spindle notch are in radial alignment when the spindle is in a rotated position *unlatching* the latchbolt, whereupon the lock is operable for moving the radially extending member along the two radial aligned notches for locking the spindle against rotation when the latchbolt is *unlatched*. In Foshee, the spindle notch and the chassis plate notch are in radial alignment only when the spindle is in its unrotated position *latching* the latchbolt; see Foshee FIG. 4 and column 3 lines 18-47. Since Storlie's two sets of notches each lock the handle in a *bolt-latched* position, to modify the handle lock assembly of Foshee to include a second set of notches as in Storlie would still not result in one of those sets of notches implementing a locking of the spindle in a *bolt-unlatched* position as in applicants' Claims 15 and 27. There is no teaching, suggestion or incentive in the primary reference or in either of the two secondary references that would lead one of ordinary skill in the art to angularly displace the chassis plate notch of Foshee for providing locking of the spindle when the latchbolt is unlatched.

Claims 35, 37 and 38

Claims 35, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foshee in view of Storlie et al.

The cylindrical lock apparatus of applicants' Claim 35 requires that the chassis plate notch and the spindle notch are in radial alignment when the spindle is in a rotated position *unlatching*

the latchbolt, whereupon the handle lock is operable for moving the radially extending member along the two aligned notches for locking the spindle against rotation when the latchbolt is unlatched. As previously discussed, in Foshee the spindle notch and the chassis plate notch are in radial alignment only when the spindle is in its unrotated position *latching* the latchbolt; see Foshee FIG. 4 and column 3 lines 18-47. Since Storlie's two sets of notches each lock the handle in a *bolt-latched* position, to modify the handle lock assembly of Foshee to include a second set of notches as in Storlie would still not result in one of those sets of notches implementing a locking of the spindle in a *bolt-unlatched* position as in applicants' Claim 35. There is no teaching, suggestion or incentive in either Foshee or Storlie that would lead one of ordinary skill in the art to angularly displace the chassis plate notch of Foshee for providing locking of the spindle when the latchbolt is unlatched. Accordingly, applicants respectfully submit that Claim 35, and Claims 37 and 38 depending therefrom, are patentable under 35 U.S.C. §103(a) over Foshee in view of Storlie et al.

Claim 36

Claim 36 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the "modified" Foshee reference as applied by the examiner to Claim 35, and further in view of either Storlie et al. or Kester et al.

Applicants' amended Claim 36, being dependent from and containing all of the limitations of amended Claim 35 discussed above as patentable over the combination of Foshee and Storlie et al., is accordingly patentable over such references further in view of the lever handle teaching of either Storlie et al. or Kester et al. Further, applicants submit that the lever handles of either Storlie et al. or Kester et al. do not function in the same manner as does the lever handle of applicants' amended Claim 36 which recites that applicants' lever handle is angularly disposed when the radially extending member is captured by the spindle notch, such angular disposition of the lever handle being a visual indicator that the latchbolt is unlatched. The two sets of notches in Storlie et al. each lock the handle in a bolt-latched position, while the various rotated positions of the lever shown in Kester et al. appear to show movement of an unlocked handle and of an overtorqued locked handle with latched latchbolt. Kester et al. does not appear to show a locked handle in an angular disposition (or a rotated position) locking the latchbolt in an unlatched condition. Accordingly, the lever handle of Storlie et al. and of Kester et al. do not function as a

visual indicator that the latchbolt is unlatched. Applicants submit that the subject matter of Claim 36 is patentable over the combination of Foshee, Storlie et al., and/or Kester et al.

In view of the foregoing, applicants submit that all pending claims in this application patentably distinguish over the references of record, considered both separately and in combination. Applicants respectfully request that the rejections be withdrawn and that a Notice of Allowance be issued as to Claims 1-21, 23-33 and 35-43.

A "Change of Address Notice" for the attorney of record in this application was filed by facsimile transmission on July 23, 2002; a duplicate copy of the Change of Address Notice and a copy of the Office receipt thereof are enclosed herewith. Please address all further correspondence in this application to the undersigned attorney at the new address reproduced below.

Respectfully submitted,



Date: October 24, 2002

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Replacement Specification Paragraphs Marked Up
Pursuant to 37 CFR §1.121(b)

At page 15, lines 4-18:

The cylindrical lock body 56 is positioned within the large bored hole [120] 122 (typically 2½ inches in diameter) through the faces of the door 16, intersecting a smaller diameter bore containing the latchbolt unit 32 at the door's edge (such bores being conventional as previously described), and the posts 116 (which are slightly shorter than the width of the door 16) extend within respective bores 124 parallel to and spaced about the large bore 122. An internally threaded spacer hex nut 126 threadedly engages the threads on the tubular portion 70 of the chassis plate device 54 while securing the support plate 118 against the door's inner face. Securement is completed by installing the rose 120 with the screws 128 extending through the apertures in the rose 120 and threadedly engaging the respective internally threaded posts 116, and positioning the rose scalp 130 in place. The handle 52 is then installed onto the spindle 40 with spacer bushing 132 in place. The installation of cylindrical door locks employing a handle 52, a support plate 118, a spacer nut 126, a rose 120, a rose scalp 130, and a spacer bushing 132 is well known; see, for example, the disclosure of U.S. Patent 4,869,083, incorporated herein by reference.

At page 24, line 15 through page 25 line 8:

Thus there have been described preferred embodiments of a door lock apparatus in which a cylinder lock such as a mortise lock cylinder is employed for unlatching a cylindrical lock assembly. The mortise lock cylinder is preferably secured to the outside of the door trim such as a pull plate, with the cylindrical lock mounted to the inside of the pull plate, and the pull plate is mounted to the door, in such manner as to effect an anti-vandal door lock assembly. Preferred embodiments include a hold-back feature, as well as a feature for facilitating secured removal of the mortise lock cylinder as for re-keying, although other preferred embodiments need not include such features. Handles other than the preferred lever handle for the cylindrical lock assembly, including knob handles, may be utilized. Although the two [cylindrical locks] lock cylinders 92 and 162 are preferably key-actuated, other types of actuator devices may be employed, for example electronic,

magnetic, optical or computer coded devices. It may be appreciated that other embodiments of the present invention, and variations of the embodiments described herein, may be developed without departing from the essential characteristics thereof. Accordingly, the invention should be limited only by the scope of the claims listed below.

Amended Claims Marked Up
Pursuant to 37 CFR 1.121(c)

1. (Amended) A door lock apparatus, comprising the combination of:

a trim plate securable to the outside of a door;

a cylindrical lock assembly [secured to said trim plate inwardly thereof when said plate is secured to the door, said cylindrical lock assembly] including a latchbolt, a lock body secured to said trim plate inwardly thereof and having a retractor for said latchbolt, a spindle inwardly extending from said lock body and coupled to said retractor for unlatching said latchbolt upon rotation of said spindle, and a handle secured to said spindle for rotating said spindle;

a cylinder lock including a housing and a cylinder actuatable for rotation in said housing, said cylinder lock secured to said trim plate and outwardly extending from said lock body; and

a cam secured to said cylinder and rotatable therewith, said cam coupled to said retractor for unlatching said latchbolt upon rotation of said cylinder.

8. (Amended) The apparatus according to Claim 7, wherein:

said [openings] opening in said attachment plate and said opening in said trim plate are configured for facilitating outward withdrawal of said cylinder lock with said key inserted in said cylinder lock.

17. (Amended) The apparatus according to Claim 15,

wherein

said lock [is a bored cylinder lock] in said handle includes a bored lock cylinder

having a rotatable tail piece;

and further including

a rotational-to-translational motion converter carried by said spindle for converting rotation of said tail piece to longitudinal movement of said member.

19. (Amended) A door lock apparatus, comprising the combination of:

a door trim securable to a face of a door;

a cylindrical lock assembly including a latchbolt, a lock body having a retractor for said latchbolt, a spindle extending from a first side of said lock body and coupled to said retractor for unlatching said latchbolt upon rotation of said spindle, and a handle secured to said spindle for rotating said spindle;

a cylinder lock including a housing and a cylinder actuable for rotation in said housing, said cylinder lock extending from a second side of said lock body opposite said first side; [and]

a cam secured to said cylinder and rotatable therewith, said cam coupled to said retractor for unlatching said latchbolt upon rotation of said cylinder;

said cylinder lock secured to said door trim with said cylinder rotably actuable from one side of said door trim, and said lock body secured to said door trim with said handle rotatable from another side of said door trim opposite said one side.

23. (Amended) The apparatus according to Claim [22] 19, wherein:

said door trim is a pull plate.

29. (Amended) The apparatus according to Claim 27,

wherein

said lock [is a bored cylinder lock] in said handle includes a bored lock cylinder

having a rotatable tail piece;

and further including

a rotational-to-translational motion converter carried by said spindle for converting rotation of said tail piece to longitudinal movement of said member.

30. (Amended) The apparatus according to Claim [27] 29, further including:

a key insertable in said bored lock cylinder and rotatable for rotating said tail piece.

31. (Amended) The apparatus according to Claim [22] 19,

wherein

said door trim includes an opening;

and further including

an attachment plate secured to said door trim, said attachment plate including an opening in registration with said opening in said door trim, said openings permitting insertion of said cylinder lock therein, said attachment plate adapted to releasably secure said cylinder lock thereto when said cylinder lock is inserted in said openings.

33. (Amended) A cylindrical lock apparatus for a door, comprising the combination of:

a latchbolt, a lock body having a retractor for said latchbolt, a spindle extending from a first side of said lock body and coupled to said retractor for unlatching said latchbolt upon rotation of said spindle, a lever handle secured to said spindle for rotating said spindle to unlatch said latchbolt upon rotation of said lever handle to an angular disposition, and a lock in said handle for locking said [spindle when said spindle is in a rotated position unlatching said latchbolt] lever handle in said angular disposition, said angular disposition of said lever handle being a visual indicator that said latchbolt is unlatched.

36. (Amended) The apparatus according to Claim 35,

wherein

said handle is a lever handle [and is in a rotated position when] angularly disposed when said member is captured by said second notch, the angular disposition of said lever handle being a visual indicator that said latchbolt is unlatched.

37. (Amended) The apparatus according to Claim 35,

wherein

said lock [is a bored cylinder lock] in said lever handle includes a bored lock cylinder having a rotatable tail piece;

and further including

a rotational-to-translational motion converter carried by said spindle for converting rotation of said tail piece to longitudinal movement of said member.